

REMARKS

In response to the Office Action mailed March 12, 2003, kindly enter the foregoing amendment and consider the following remarks. Pursuant to 37 CFR §1.112, Applicant requests reconsideration of each and every ground of rejection set forth in the Office Action.

The Office Action and the references cited therein have been carefully considered. In this Amendment, claims 1, 12, 14, 15, 16, 19, and 26 have been amended. In this Amendment, claims 8, 17, 18, and 23 have been canceled. Thus claims 1-7, 9, 10, 11, 12-14, 16, 19, 22, 24-27 are pending and are at issue herein. In view of these amendments and the following remarks, favorable reconsideration of this application is requested.

Allowable Subject Matter

The Applicant would like to thank the Examiner for acknowledging patentable subject matter. Specifically, the Examiner noted on page 3 of the Office Action that Claims 8, 9, 20, and 21 would be allowable if rewritten in independent form. As noted below, the Applicant has incorporated the subject matter of Claim 8 into Independent Claim 1. For these reasons, the Applicant respectfully requests that Claim 1, as well as its dependent claims, be favorably considered.

Claim Rejections Under 35 USC §103

The Examiner has rejected Claim 1-7, 10, 12-14, 16-19, and 22-27 under 35 USC 35 §103(a) as being unpatentable over Brachert (5,832,402) in view of Breed (6,370,475). The Applicant asserts that none of the references, even when combined as proposed by the Examiner, teaches every element of the claims.

With regard to independent Claim 1, the Applicant has amended Claim 1 to incorporate the subject matter of dependent Claim 8. As noted above, the Examiner indicated that Claim 8 was allowable. For these reasons, Applicant respectfully requests that the Examiner reconsider and withdraw the rejection of Claim 1 and its dependent Claims.

With regard to independent Claim 12, the Applicant has amended the claim to more clearly recite that the weather signal is manually inputted by a vehicle operator. The controller receives the weather signal as well as a vehicle position signal, and produces a control signal which includes a road surface type.

To the contrary, and as noted by the Examiner on pages 2 and 3 of the Office Action, Breed merely discloses a communication system for receiving the transmission of additional data concerning weather conditions. Neither the Breed reference nor any other reference teaches or suggests that the weather signal may be manually inputted directly by a vehicle operator. Accordingly, Applicant respectfully requests that the Examiner reconsider and withdraw the rejection of Claim 12, as well as its dependent claims.

With regard to Claim 16, the claim has been amended to include the steps of providing a database of various roads including data on road surface types, and determining the road surface type corresponding to the vehicle position signal. Further, the method includes the step of determining a road surface condition based on the road surface type and the proximate weather condition. A control signal is generated based on the road surface condition.

To the contrary, Breed merely discloses receiving a communication regarding the weather conditions at the road surface (Column 42, Lines 12-14). Neither Breed nor any of the other references discloses determining a road surface condition based

on both the road surface type and the proximate weather condition. In fact, Breed does not even specifically refer to identifying the road surface type. Accordingly, Applicant respectfully requests that the Examiner reconsider and withdraw the rejection of Claim 16, as well as its dependent claims.

Conclusion

In view of the preceding amendments and remarks, the Applicant respectfully submits that the specification is in order and that all of the claims are now in condition for allowance. If the Examiner believes that personal contact would be advantageous to the disposition of this case, the Applicant respectfully requests that the Examiner contact the Attorney of the Applicant at the earliest convenience of the Examiner.

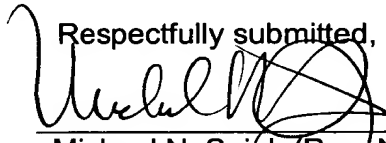
6/12/03

Date

June 12, 2003

Attachment: Replacement Sheet

Respectfully submitted,



Michael N. Spink (Reg. No. 47,107)

☒ Attorney/Agent of Record

☐ 37 C.F.R. 1.34(a)